

**Alaska Coastal Management Program (ACMP)  
Consistency Determination for  
General NPDES Permit AKG-31-5000  
Facilities Related to Oil and Gas Extraction  
(formerly AKG-28-5000)**

The enclosed certification statement is based upon the requirements listed in 15 CFR Part 930.39 and the Alaska Department of Natural Resources, Office of Project Management and Permitting (ADNR-OPMP) "Guide to Preparing an ACMP Consistency Determination for Federal Activities."

**A. AGENCY INFORMATION**

Agency: EPA  
District or Region: Region 10  
Agency Contact: Hanh Shaw  
Phone: (206) 553-0171  
Fax Number: (206) 553-0165  
Address: 1200 Sixth Avenue, OWW-130, Seattle, WA 98101  
Electronic Mail: shaw.hanh@epa.gov

**B. PROJECT INFORMATION**

The proposed reissuance of the Cook Inlet General Permit would authorize the discharge of produced water, well treatment fluids, drilling fluids, drill cuttings, sanitary waste water, domestic waste water, deck drainage, and miscellaneous discharges such as waterflood waste water and cooling water from oil and gas wells located in Cook Inlet.

**C. PROJECT DESCRIPTION**

1. ***Detailed Description.*** The proposed reissuance of this general permit will continue the coverage authorized under the previous permit and add the new discharge of drill cuttings associated with the use of synthetic based drilling fluids in some parts of Cook Inlet. The area of coverage is proposed to be expanded to include waters of Cook Inlet north of Shuyak Island (Figure 1), but as with the previous permit, prohibits discharges to sensitive areas, such as Kamishak and Tuxedni Bays. In addition, the proposed permit prohibits discharge within 4,000 meters of a coastal marsh, river delta, or river mouth as well as any Area Meriting Special Attention, State Game Refuge, State Game Sanctuary, or Critical Habitat Area. The proposed reissued general permit would be available for coverage of any new offshore oil and gas facilities in the new area of coverage as well as areas presently covered by the previous permit. More stringent requirements are proposed for a number of discharges, such as toxicity testing for waterflood discharges and more stringent chlorine limits for sanitary waste water discharges. Discharge of produced water, drilling muds and drill cuttings are not proposed to be authorized from new source development and production facilities. The discharges proposed to be authorized by the permit are described in further detail in the Fact Sheet and the Environmental Assessment (EA).

2. ***Time line.*** The proposed permit would be effective for a five year term which would commence after the public review process, the development of a response to comments and the final permit issuance. In addition, the provisions of the general permit may be administratively extended for covered facilities until it is reissued by EPA.
3. ***Site plan.*** Onshore facilities associated with this permit are separately covered for storm water discharges under the Multi-Sector General Storm Water Permit (MSGP-2000). Detailed site maps and associated Storm Water Pollution Prevention Plans (SWPPP) are required to be developed under that permit. Other facilities covered by the proposed general permit are located offshore. The permit does include SWPPP requirements in case any new facility associated with it is not covered under the MSGP-2000.
4. ***Supporting documentation.*** Please see the draft general permit, Fact Sheet, and EA.
5. ***Proposed best management practices.*** Permittees with shore based production facilities are proposed to be required to develop and implement a Best Management Practices (BMP) Plan for any storm water discharges which are not covered by the Multi-sector General Permit. This requirement can be found in Permit Part II.I. of the proposed general permit.

#### **D. PROJECT LOCATION**

Figure 1 depicts the geographic area covered by the proposed general permit. This geographic area includes coastal and offshore waters of Cook Inlet located north of Shuyak Island. The proposed permit would authorize qualifying discharges into waters of the United States located in the coverage area.

#### **E. CONSISTENCY WITH THE ENFORCEABLE POLICIES OF THE ALASKA COASTAL MANAGEMENT PROGRAM**

1. ***District Policies.*** The State of Alaska Division of Governmental Coordination (DGC) issued a final consistency determination on the previous permit on October 15, 1996. That decision was appealed on November 4, 1996, and remanded to DGC on June 16, 1997, by the Superior Court of Alaska for additional consideration of the coastal management program standards for the protection of subsistence and habitats. On January 28, 1999, DGC again determined that the final permit is consistent to the maximum extent possible with the Alaska Coastal Zone Management Program and issued a final consistency finding.

The ACMP program has undergone extensive programmatic changes over the last few years and has adopted new statewide standards (11 AAC 112.200 - 11 AAC 112.990). EPA has performed an evaluation of the proposed permit reissuance, including the proposed changes, utilizing the new standards and the relevant enforceable policies of the Kenai Peninsula Borough, the Matanuska-Susitna Borough, Kodiak Island Borough, and the Municipality of Anchorage Coastal Management Districts. EPA's evaluation is described in Sections E.2. and E.3., below.

EPA will solicit comments on the proposed general permit's consistency with the District Coastal Management Programs from the affected coastal districts by the Department of Natural Resources, Office of Project Management and Permitting, Alaska Coastal Management Program during the review period following this Federal agency notification (15 CFR Part 930.41).

2. ***Alaska Coastal Management Program Standards.*** The following analysis addresses the consistency of the proposed action with the relevant ACMP standards.

#### **11 AAC 112.200 Coastal Development**

The proposed general permit would authorize qualifying discharges into marine waters (saltwater) of Cook Inlet. With the exception of several existing shore-based facilities, the activities will mostly take place offshore. Section II.A. of the Fact Sheet provides a description of the types of facilities and typical discharges authorized under the proposed permit.

#### **11 AAC 112.210 Natural Hazard Area**

Not applicable.

#### **11 AAC 112.220 Coastal Access**

Not applicable.

#### **11 AAC 112.230 Energy Facilities**

Not applicable.

#### **11 AAC 112.240 Utility Routes and Facilities**

The proposed general permit authorizes wastewater discharges from several types of facilities. Nothing in this permit grants the right to build a facility contrary to the local, State or Federal laws applicable to the coverage area.

#### **11 AAC 112.250 Timber Harvest and Processing**

Not applicable.

#### **11 AAC 112.260 Sand and Gravel Extraction**

Not applicable.

## **11 AAC 112.270 Subsistence**

During development of the proposed general permit, EPA facilitated the collection of Traditional Ecological Knowledge (TEK) from Cook Inlet area tribes. Based on this information and other information obtained by EPA, and where appropriate, limitations and monitoring requirements were added to the proposed general permit to ensure the discharges are properly controlled. Please refer to the Environmental Assessment (EA) for a description of the potential effects of the discharges on subsistence activities and Section IV.E. of the Fact Sheet for a description of the additional permit requirements to protect these resources.

## **11 AAC 112.280 Transportation Routes and Facilities**

The proposed general permit authorizes wastewater discharges from several types of facilities. Nothing in this permit grants the right to build a facility contrary to the local, State or Federal laws applicable to the coverage area.

## **11 AAC 112.300 Habitats**

(1) Offshore Areas. The proposed general permit would authorize the discharge of produced water, drilling fluids, drill cuttings, domestic wastewater, test waters, deck drainage, sanitary waste water and miscellaneous discharges such as waterflood waste water to the marine environment. Section II.B. of the Fact Sheet provides a description of the areas of coverage, prohibited areas, and the regulatory status of the waters within the area of coverage.

(2) Estuaries. The proposed general permit prohibits discharges into estuaries within the area of coverage.

(3) Wetlands. Discharges of wastewaters to wetlands are not authorized under this proposed general permit.

(4) Tideflats. Discharges of wastewaters to tideflats are not authorized under this proposed general permit.

(5) Rocky Islands and Sea Cliffs. Not applicable.

(6) Barrier Islands and Lagoons. Discharges of wastewaters to barrier islands and lagoons are not authorized under this proposed general permit.

(7) Exposed High Energy Coasts. Not applicable.

(8) Rivers, Streams, and Lakes. Discharges of waste waters authorized by this proposed permit will take place into open waters of Cook Inlet. The discharges are required to meet the effluent limitations of the proposed general permit.

(9) Important Habitat. The proposed general permit prohibits discharges into important habitat within the area of coverage. Section II.B. of the Fact Sheet provides a description of the areas of coverage and prohibited areas.

## **11 AAC 112.310 Air, Land, and Water Quality**

(1) Air Quality Standards. The proposed general permit would regulate discharges into waters of the United States. Under the NPDES program, EPA does not have jurisdiction over activities affecting air quality.

(2) Water Quality Standards. Section 301 of the Clean Water Act (the Act) prohibits the discharge of pollutants to waters of the United States unless that discharge complies with technology-based effluent limitations or any more stringent limitation necessary to achieve State water quality standards. Section 402 of the Act authorizes EPA to issue NPDES permits with conditions necessary to ensure that a discharge complies with the requirements of the Act.

The proposed general permit would include effluent limitations, best management practices, and monitoring and reporting requirements to ensure that authorized discharges comply with the Alaska Water Quality Standards (AWQS).

*Effluent Limitations.* The proposed effluent limitations incorporate specific AWQS for parameters applicable to each discharge. Those limitations are based on mixing zones established by ADEC in its preliminary certification. It is anticipated that the ADEC will certify the provisions of the general permit. However, ADEC may require additional conditions needed to comply with AWQS. If that occurs, those additional conditions will be included in the final permit.

*Best Management Practices.* Part III.B. of the draft general permit includes a requirement to develop and implement a BMP Plan for storm water discharges from shore-based facilities. It is anticipated that these BMPs will ensure compliance with the AWQS.

*Monitoring and Reporting Requirements.* The draft general permit requires monitoring and reporting to EPA for compliance with the effluent limitations listed in the permit.

(3) Land Quality Standards. The draft general permit would regulate discharges into waters of the United States. Under the NPDES program, EPA does not have jurisdiction over upland activities which do not involve a discharge to the waters of the United States.

## **11 AAC 112.320 Historic, Prehistoric, and Archaeological Resources**

It is unlikely that discharges authorized under this general permit would affect historical, prehistoric, or archaeological resources. Construction of any new offshore facilities in Cook Inlet is not expected to impact these resources. EPA evaluated the potential effects of cultural, historic, and archaeological resources in the EA and determined that there would not be any effects.

## **11 AAC 112.900 Sequencing Process to Avoid, Minimize, or Mitigate**

The proposed general permit contains requirements, conditions, and limitations for discharges from oil and gas exploration, development and production facilities within Cook Inlet. Section IV of the Fact Sheet describes the basis for the permit conditions. With these conditions in place, it is expected that there would not be any effects or very minor long-term adverse effects to the environment. In addition, to lessen the potential for impacts to environmental resources, mitigation measures are included in the preliminary Finding of No Significant Impacts (FONSI) that are binding permit conditions.

3. ***Enforceable Policies of the Kenai Peninsula Borough, the Matanuska-Susitna Borough, Kodiak Island Borough, and the Municipality of Anchorage Coastal Management Districts.*** The following is EPA's evaluation of the proposed permit reissuance against the relevant enforceable policies of the Kenai Peninsula Borough, the Matanuska-Susitna Borough, Kodiak Island Borough, and the Municipality of Anchorage Coastal Management Districts

### **Kenai Peninsula Borough Coastal Management Program Enforceable and Administrative Policies**

#### **5.2 Water Resources**

**a. Commercial/Industrial operations shall use necessary measures to prevent drilling wastes, oil spills, and other toxic or hazardous materials from contaminating surface and groundwater.**

The proposed permit contains limits on both the components and toxicity of drilling waste which are discharged. Other discharges, such as produced water and water flood waste water also are limited to protect water quality. Those limits are being reviewed by ADEC for consistency with State Quality Standards.

#### **5.5 Navigation and Commercial Fishing**

**Activities associated with oil and gas resource exploration, industrial development, or production shall minimize navigational interference and be located or timed to avoid potential damage to fishing gear. Offshore pipelines and other underwater structures**

**will be located, designed or protected so as to allow fishing gear to pass over without snagging or otherwise damaging the structure or gear.**

**And**

## **5.6 Pipelines**

**Pipelines and pipeline right-of-ways shall, to the extent feasible and prudent, be sited, designed, constructed, and maintained to avoid important fishing grounds and to minimize risk to fish and wildlife habitats from a spill, pipeline break, or other construction activities. Pipeline crossings of fishbearing waters and wetlands important to waterfowl and shorebirds shall incorporate mitigative measures, to the extent feasible and prudent, to minimize the amount of oil which may enter such waters as a result of a pipeline rupture or leak.**

**And**

## **7.4 Placement of Structures**

**To the extent feasible and prudent, all temporary and permanent developments, structures, and facilities constructed or placed in marine and estuarine waters of the Kenai Peninsula Borough area shall be sited, constructed, and operated in a manner that does not create a hazard or obstruction to commercial fishing operations.**

Placement of oil and gas platforms and under water structures such as pipelines is not regulated by the general permit, but is separately controlled under the lease, which is regulated by either the State or Mineral Management Service. Those agencies would be responsible for ensuring compliance with this policy.

## **5.7 Offshore Structure Debris**

**Debris from offshore construction activities shall be removed to an approved onshore disposal site on or before completion of construction.**

Placement of offshore oil and gas facilities typically only involves anchoring and does not usually result in debris. However, the permit prohibits the discharge of debris.

## **5.8 Oil Storage**

**a. Oil produced in offshore areas shall be transported to shore for storage unless transport is determined to have a greater potential for adverse environmental impact than offshore storage.**

**b. Oil storage facilities shall be located and bermed in accordance with Policy 13.2 in the Air, Land and Water Quality section of these policies.**

**And**

### **13.2 Storage of Petroleum and Petroleum Products**

**c. Impermeable berms and basins capable of retaining 110 percent of storage capacity plus 12 inches of freeboard shall be required for all above-ground storage facilities to minimize the potential for uncontained spills or leaks.**

Oil storage is not regulated by this permit; however, the activity is controlled under EPA Spill Prevention, Containment, and Counter Measure regulations under the Oil Pollution Act.

### **5.9 Geophysical Surveys**

**b. Geophysical surveys in fresh and marine waters supporting fish or wildlife will require the use of energy sources such as airguns, gas exploders, or other sources that have been demonstrated to be harmless to fish and wildlife and human uses of fish and wildlife. Blasting for purposes other than geophysical surveys will be approved on a case-by-case basis after all steps have been taken to minimize impacts and when no feasible and prudent alternatives exist to meet the public need.**

**c. Vessels engaged in offshore geophysical exploration will conduct their operations to avoid significant interference with commercial fishing activities.**

**Intent: Policy 5.9(b) balances several uses of state concern and national interest, including the exploration and production of oil and gas resources and the production and utilization of the fisheries of Cook Inlet and the Gulf of Alaska. After considering the information available on the value of the fisheries, the potential adverse impacts associated with the use of seismic activities in the transitional zone, the state and Kenai Peninsula Borough have serious concerns about the use of explosives for seismic exploration in marine waters. The state recognizes that a limited use of explosives may be necessary to obtain quality seismic data in certain areas of the transitional zone, such as when there is a need to "tie" geophysical information between potential offshore lease tracts and onshore well sites.**

**Implementation of Policy 5.9(b) will be based on the best available scientific information relative to the significant adverse impacts of explosives and other seismic technology on fish and wildlife. The State of Alaska is reviewing its current policy pertaining to the use of explosives in marine waters, evaluating alternative means of collecting seismic information in the transition zone, and evaluating measures to mitigate adverse impacts on marine life and fishery activities. Should a review of new information and the continuing evaluation of the state's seismic policy by the Kenai Peninsula Borough and the State of Alaska indicate a change to this policy is warranted, the state will pursue such a change.**



**And**

## **12.6 Use of Explosives**

**To protect fish, sensitive marine mammals, and other aquatic fauna, explosives shall not be detonated within, beneath, or adjacent to marine, estuarine, or fresh waters that support fish and wildlife during periods when fish or marine mammals are present unless the detonation of the explosives produces an instantaneous pressure rise in the water body of no more than 2.5 psi (pounds per square inch) or unless the water body, including its substrate, is frozen.**

Geophysical surveys are done to determine the location of oil and gas fields and the feasibility of producing them. Operators conduct those activities prior to requesting coverage under an NPDES permit and are not regulated by the permit.

## **6.4 Pipelines and Utilities**

**a. To the extent feasible and prudent, existing pipeline and utility corridors shall be used for new facilities or expansion of existing facilities, rather than developing new corridors.**

**b. Where feasible and prudent, pipelines and utilities shall be installed underground in areas of high recreational or scenic value or intensive public use.**

**c. To the extent feasible and prudent, underwater pipelines shall be buried. If pipelines are not buried they shall be designed to allow for the passage of fishing gear, or the pipeline route shall be selected to avoid important fishing areas, and anadromous fish migration and feeding areas.**

Pipeline placement is not regulated under the general permit, but is regulated by State agencies.

## **11.4 Subsistence Access**

**Traditional and customary access to subsistence use areas shall be maintained unless reasonable alternative access is provided to subsistence users.**

Although subsistence fishing will be conducted in the area of coverage for the permit, the activities which are regulated do not restrict access to subsistence areas.

## **12.0 Fish and Wildlife Habitat**

## **12.1 Priority Use**

**Maintenance and enhancement of fish habitat shall be the highest priority use when reviewing proposals for activities which may adversely impact critical spawning, rearing, migration or overwintering areas for fish and shellfish.**

The permit does not authorize discharges in fish spawning areas. In addition, it prohibits discharges within 4,000 meters of coastal marshes, deltas, and other sensitive areas which can harbor fish and shellfish.

## **12.5 Water Intake Structures**

**Water intake pipes used to remove water from fish bearing waters shall be surrounded by a screened enclosure and velocity shall be limited so as to prevent fish entrainment and impingement.**

The platforms covered under the general permit do not typically intake large quantities of water which would have a significant potential to entrain and impinge fish. In addition, the intake velocity of facilities located in Cook Inlet will be significantly less than ambient velocity caused by the significant tidal changes. Therefore, no significant entrainment or impingement impacts are expected.

**The Kenai Peninsula Borough Coastal Management Program identified the Port Graham/Nanwalek area as an Area which Merits Special Attention (AMSA) due to its importance for subsistence hunting, fishing, and food gathering by area residents and its unique cultural value and historical significance. Potential conflicts between subsistence activities, resource enhancement, maintenance of fish and wildlife habitats and development activities, such as timber harvest and mineral extraction also demand that this area receive special attention for coastal management. A detailed inventory of the resources and activities within this AMSA are included in Appendix A and B located in the back cover insert.**

The general permit prohibits all discharges in this AMSA.

### **Matanuska-Susitna Borough Point MacKenzie Area Which Merits Special Attention** **Enforceable and Administrative Policies**

#### **6.2.5 Air and Water Quality**

##### **E-3 Wastewater Discharge**

**Point source discharge of wastewater from port, commercial, industrial, or residential developments shall not be discharged to wetlands or streams which flow into or through the AMSA. The discharge of treated sewage and wastewater effluent from facilities in the AMSA shall be allowed in accordance with local, State, and federal standards.**

The proposed permit does not authorize discharges into wetlands or streams.

### **Kodiak Island Borough Coastal Management Program Enforceable Policies**

#### **Energy Facilities**

##### **10. Effluents**

**Effluent discharge from energy facilities shall be located where currents can disperse effluents and where the cumulative impact does not violate State and federal water quality standards.**

#### **Air and Water Quality**

##### **3. Wastewater Discharge**

**The discharge of wastewater and toxic wastes into Kodiak Island Borough waters shall be limited to areas with adequate flushing action and in accordance with State of Alaska regulations. Discharge shall not be in amounts to render such water unsuitable for fish survival, industrial cooling, and industrial process watering supply purposes.**

It is expected that the Alaska Department of Environmental Conservation (ADEC) will certify the proposed general permit under Section 401 of the Clean Water Act as meeting the State's water quality standards. A draft 401 certification was provided to EPA on February 17, 2006.

### **Municipality of Anchorage Coastal Management Program Enforceable Policies**

The proposed permit contains the following discharge prohibitions to the sensitive areas listed below. These discharge prohibitions are necessary to prevent unreasonable degradation of the areas based on Ocean Discharge Criteria (40 CFR Part 125, Subpart M) and to meet the enforceable policies of the Municipality of Anchorage Coastal Management Program.

The proposed permit prohibits discharges in the following areas:

- In water depths less than the 10 meter mean lower low water isobath for exploration facilities;
- In water depths less than the 5 meter mean lower low water isobath for all facilities;
- Shoreward of the 5.5 meter isobath adjacent to either (1) the Clam Gulch Critical Habitat Area (Sales 32, 40, 46A, and 49) or (2) from the Crescent River northward to a point one-half mile north of Redoubt Point (Sales 35 and 49).

- Within the boundaries, or within 1,000 meters, of a coastal marsh, river delta, or river mouth, or a designated Area Meriting Special Attention (“AMSA”), State Game Refuge (“SGR”), State Game Sanctuary (“SGS”), or Critical Habitat Area (“CHA”) (the seaward edge of a coastal marsh is defined as the seaward edge of emergent wetland vegetation);
- Minerals Management Service Lower Kenai Peninsula Deferral Area and Barren Island Deferral Area, including the area between the deferral areas and the shore;
- In Kamishak Bay, west of a line from Cape Douglas to Chinitna Point;
- In Chinitna Bay, inside of the line between the points of the shoreline at latitude 59°52'45" N, longitude 152°48'18" W on the north and latitude 59°46'12" N, longitude 153°00'24" W on the south (Figure 1); and
- In Tuxedni Bay, inside of the lines on either side of Chisik Island
  - from latitude 60°04'06" North, longitude 152°34'12" West on the mainland to the southern tip of Chisik Island (latitude 60°05'45" North, longitude 152°33'30" West).
  - from the point on the mainland at latitude 60°13'45" North, longitude 152°32'42" West to the point on the north side of Snug Harbor on Chisik Island (latitude 60°06'36" North, longitude 152°32'54" West).  
See Figure 1.

The proposed permit prohibits discharges in waters with a depth less than 5 meters for all facilities, and in waters with a depth less than 10 meters for exploration facilities, because these shallow water discharges are less dispersed than deeper water discharges, and thus have a greater potential to impact the abundant aquatic life found in these shallow waters.

The proposed permit prohibits discharges in parts of Chinitna, Tuxedni, and Kamishak Bays because they are either areas of high resource value, or are adjacent to areas of high resource value. In addition, Kamishak Bay is a known net depositional environment where drilling mud solids and other pollutants will likely accumulate if discharges are authorized.

In addition, the proposed permit would prohibit discharges in the following areas:

- In Shelikof Strait south of a line between Cape Douglas (at 58° 51' North, 153° 15' West) on the west and the northernmost tip of Shuyak Island on the east (at 58° 37' North, 152° 22' West);
- Within 20 nautical miles of Sugarloaf Island as measured from a centerpoint at 58° 53' North and 152° 02' West; and

- Within tracts identified in the Alaska Department of Natural Resources (ADNR) Oil and Gas Division's Mitigation Measure Number 33;

The Shelikof Strait area described above was outside of the previous permit coverage area. The National Oceanic and Atmospheric Administration-Fisheries ("NOAA Fisheries") has designated Shelikof Strait as a special aquatic foraging area for the Stellar Sea Lion. See 58 Fed. Reg. 45278 (September 27, 1993); see also 50 CFR § 226.12(c)(1). Therefore, the proposed permit prohibits discharges in the Shelikof Strait area.

ADNR's mitigation measure number 33 was included in the State's oil and gas leases to protect the beluga whale populations in Cook Inlet as they are Endangered Species Act ("ESA") candidate species and recently determined to be depleted under the Marine Mammal Protection Act ("MMPA"). The stipulation excludes sale of offshore facilities from an area that includes the Knik and Turnagain Arms, Chickaloon Bay and extends northwest to the mouths of the Susitna and Beluga Rivers. The stipulation also excludes operations within all of the Type 1 habitat (High Value/High Sensitivity) and most of the Type 2 habitat (High Value). Key areas in Type 3 habitat are addressed in the proposed permit.

In order to comply with the Coastal Zone Management Plan's prohibitions on the discharge of silty materials to certain areas, as well as activities that potentially alter protected biological resources, the proposed permit prohibits discharges within 4,000 meters (expanded from 1,000 meters in the previous permit) of a coastal marsh, river delta, or river mouth, or an AMSA, SGR, SGS or CHA to afford better protection of these sensitive areas.. EPA knows of no plans for oil and gas facilities to operate in those areas, so the change should not have an impact on any of these facilities. With modern drilling technologies, there should be no need to operate within the expanded buffer zone. The following SGRs, SGSs, CHAs, and AMSAs are located in the proposed permit coverage area:

Palmer Bay Flats SGR	Trading Bay SGR
Goose Bay SGR	Kalgin Island CHA
Potter Point SGR	Clam Gulch CHA
Susitna Flats SGR	Kachemak Bay CHA
McNeil River SGS	Anchorage Coastal Wildlife Refuge
Redoubt Bay CHA	Port Graham/Nanwalek AMSA

Alaska Statute (AS) § 16.20 contain the legal descriptions of these state specialty areas. The present boundaries of these state special areas are described in a document entitled the "State of Alaska Refuges, Critical Habitat Areas, and Sanctuaries," prepared by the Alaska Department of Fish and Game, Habitat Division, dated March 1991. Further information may also be obtained from the Alaska Department of Natural Resources, Office of Habitat Management and Permitting.

**F. CONSISTENCY DETERMINATION**

**15 CFR Part 930.37. Consistency Determinations for Proposed Activities**

Based on the above analysis of the State and district CMPs, EPA believes that the draft general NPDES permit for Oil and Gas Extraction Facilities in Federal and State Waters in Cook Inlet is consistent to the maximum extent practicable with the enforceable policies of the coastal management program.

The EPA determines that the proposed activities comply with, and will be conducted in a manner consistent to the maximum extent practicable with, the Alaska Coastal Management Program, including affected coastal district programs.

/S/

February 28, 2006

---

Michael F. Gearheard, Director  
Office of Water and Watersheds, Region 10

---

Date